

**VERMONT AGENCY OF NATURAL RESOURCES
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

**Response to Public Comments on
the Draft § 401 Water Quality Certification for
the Lamoille Valley Rail Trail (11)(12)(13)**

July 30, 2021

The Agency of Natural Resources' Department of Environmental Conservation (DEC) provided public notice of the tentative determination for a § 401 Water Quality Certification for the Lamoille Rail Trail (11)(12)(13) June 19 – July 23, 2021. A public meeting to receive comments on the draft determination was held July 19th in Hardwick, Vermont and online via Microsoft Teams. No members of the public attended the meeting. The Agency received written comments from VHB (the Applicant Representative), on behalf of the Vermont Agency of Transportation (the Applicant). No other comments were received. The comments, with the corresponding page number of the draft decision, and the Agency's responses are below. The comments in their original form are available upon request by email at ANR.WSMD401@vermont.gov or phone at (802) 490-6131.

Comment 1, Page 1, Title: Replace Morrisville with Morristown.
DEC Response: This change has been made.

Comment 2, Page 5, #1: Replace 20th century with 19th century.
DEC Response: This change has been made.

Comment 3, Page 6, #4: Add “, which is owned by the State of Vermont.”
DEC Response: This change has been made.

Comment 4, Page 6, #6: There are 189 impacted Class II features in the most recent VWR impact exhibit (5-6-21) VHB submitted with the application for the 401 WQC.
DEC Response: The Wetlands Program in DEC evaluated Class II wetland impacts through Individual Wetland Permit #2020-638.01 and confirmed there are 188 Class II wetlands and/or wetland buffers. This number has been changed from 190 to 188 in the 401 WQC.

Comment 5, Page 13, #41: Delete extra §. Also, 5.7 is the only function/value not present for this project.
DEC Response: “§§ 5.7, 5.8 or 5.9.” has been deleted and “Section 5 of” has been added before “the Vermont Wetland Rules.”

Comment 6, Page 14, #46: Incorrect VWQS citation. Should be 29A-105 instead.
DEC Response: This change has been made.

Comment 7, Page 18, #11: This condition is too open-ended. Is there a particular "river" that should be noted by name in the second sentence? If not, based on input from Steve Parren and a review of the Element Occurrences for the wood turtle for the entire project limits, VHB recommends changing the text to that provided at the bottom of the page. Proposed wording for Condition 11: “Wildlife. To avoid and minimize impacts to Wood Turtles, the following conditions apply, where practicable, at these locations: Bridges 27, 47, 77, 80, 81, and 83, and Culvert 79. Bare, sandy areas that get direct sun shall be avoided unless temporary or permanent impacts are authorized at that location. In addition, if construction occurs between mid-September and mid-May, that portion of the stream bottom proposed for impact shall

be searched and any Wood Turtles encountered shall be relocated by hand to a suitable upstream location before placing fill or otherwise impacting the stream bottom.

DEC Response: The following changes have been made, as shown in red and underlined: Wildlife. To avoid and minimize impacts to Wood Turtles, the following conditions apply, when practicable, at these locations: Bridges 27, 47, 77, 80, 81, 83, and Culvert 79. ~~h~~-Bare, sandy areas that get direct sun shall be avoided, where practicable. In addition, if onsite construction occurs mid-September to mid-May, where practicable, the river portion of the stream bottom proposed for impact shall be searched, and any Wood Turtles encountered shall be relocated by hand to a suitable upstream location before placing fill or otherwise impacting the river stream bottom.

Comment 8, Page 18, #15: This statement omits many of the other wetland functions and values to which there would be no undue adverse effect, including 5.1, 5.3, 5.5, 5.8, 5.9, and 5.10. 5.7 is the only function/value not present. Recommend including them all or changing wording to "...which include but are not limited to..."

DEC Response: The language "which include" does not exclude the other functions and values in the Vermont Wetland Rules, so DEC disagrees it is necessary to add "but not limited to".